

§ 101-41.601 Definition.

The word *claims* as used in this subpart includes:

- (a) Requests by claimants for amounts not included in the original billing;
- (b) Requests by claimants for amounts deducted or set off by the Government;
- (c) Requests by claimants for amounts previously refunded by carriers; or
- (d) Unpaid original bills requiring direct settlement by GSA, including those subject to doubt regarding the propriety of payment.

§ 101-41.602 Statutory limitations on filing of claims.

(a) 31 U.S.C. 3726, as amended, imposes a limitation, generally 3-years, on the filing of claims cognizable by GSA when such claims involve charges for transportation within the purview of 31 U.S.C. 3726, as amended. Claims in this category are those which involve transportation charges based on tariffs lawfully on file with Federal and State transportation regulatory agencies or which involve rates, fares, and charges established under section 10721 of the Revised Interstate Commerce Act, (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, or other equivalent contract, arrangements, or exemption from regulation.

(b) A claim must be received by GSA or its designee (the agency out of whose activities the claim arose) within 3 years (not including any time of war) from whichever is the latest of the following dates:

- (1) Accrual of the cause of action thereon;
- (2) Payment of charges for the transportation involved;
- (3) Subsequent refund for overpayment of such charges; or
- (4) Deduction made under 31 U.S.C. 3726, as amended.

(c) Each claim of a carrier or forwarder, whether filed with GSA or with its designee (the agency out of whose activities the transaction arose), must be clearly stamped with the month, day, and year of receipt by GSA or the designee agency so that there will be no question regarding the filing date when the determination of compliance

with the 3-year limitation imposed thereon by 31 U.S.C. 3726 is made and for the purposes of the Prompt Payment Act.

(d) For the purposes of determining whether interest penalties under the Prompt Payment Act are due, the date on which payment is due is 30 days after receipt of a proper carrier bill or claim.

(31 U.S.C. 952, 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27725, June 17, 1983; 48 FR 35650, Aug. 5, 1983]

§ 101-41.603 Presentation of claims.**§ 101-41.603-1 Filing requirements for claimants.**

Claims shall be presented in writing:

- (a) Over the bona fide signature of the individual claimant or the claimant carrier's authorized official; or
- (b) Over the signature of the claimant's agent or attorney accompanied by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant.

§ 101-41.603-2 Form of claims.

(a) Charges claimed for passenger or freight transportation services shall be billed on Standard Form 1113, Public Voucher for Transportation Charges, in the manner prescribed in §§ 101-41.214 and 101-41.310. Those claims for an amount in addition to that originally paid to the carrier for the same service, or for an amount collected by GSA or by another agency shall be presented on SF 1113 in the form of a supplemental bill (claim) bearing the same number as the original bill but with an alphabetical suffix. An alphabetical sequence of suffixes shall be used for any additional supplemental bills. Each supplemental bill (claim) for freight transportation services shall be accompanied by a copy of the GBL ordering the service and a copy of the original voucher which was submitted by the linehaul carrier. Generally only one supplemental bill shall be presented for all supplemental charges relating to the items paid on the original bill.

(b) Each supplemental bill shall cover charges relating to bills of lading

or transportation requests paid on one original bill. However, if supplemental bills (claims) arise from asserted retroactive increases in charges or from currency fluctuations, GSA (BW) will consider a carrier's written request for the single billing of such charges applicable to multiple original bills, if such request bears the concurrence of the agency's paying office.

(c) Claims supplemental to passenger transportation charges previously paid under the automatic payment system set forth in §101-41.206 shall show the GTR number, ticket number, and period under which the original charges were paid.

(31 U.S.C. 952, 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977; 42 FR 41129, Aug. 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983]

§ 101-41.603-3 Documentation required for claim settlements.

(a) A claim is settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports and information available to GSA and/or to the agency out of whose activities the transaction arose; and the written and documentary record submitted by the claimant. Oral presentations supplementing the written record are not acceptable.

(b) Settlements are founded on a determination of the legal liability of the United States under the factual situation disclosed by the record. The bur-

den is on the claimant to establish the liability of the United States and the claimant's right to payment. Clear and detailed documentation by the claimant is essential to the claim settlement; bare assertions or conclusions are not acceptable.

§ 101-41.603-4 Where to file transportation claims.

(a) Claims involving collection actions resulting from the transportation audit performed by the General Services Administration must be filed directly with GSA (BWCA). Any claims so submitted to GSA will be considered "disputed claims" under section 4(b) of the Prompt Payment Act. All other transportation claims generally shall be filed with the agency out of whose activities they arose; if that is not feasible (e.g. where the responsible agency cannot be determined or is no longer in existence) they may be sent to GSA (BWCA) for forwarding to the responsible agency or for direct settlement by GSA's transportation audit office. Claims for GSA processing shall be addressed to the General Services Administration (BWCA), Washington, DC 20405.

(b) A claimant who disagrees with the action taken on his claim by the agency's payment office may request reconsideration or review of that action, provided he meets applicable time limitations. (See §101-41.602 of this subpart and subpart 101-41.7 of this part.) The levels for progression of claims not disposed of to the satisfaction of the claimant are as shown in the following table:

PROGRESSIVE STEPS AVAILABLE TO CLAIMANTS REQUESTING RECONSIDERATION OR REVIEW OF DISPUTED CLAIMS

Disputed claims involving—	Applicable to disputed claims filed with—	Agency action for reconsideration by—	Agency dispositive action for reconsideration or review by—
Deductions for loss or damage to property.	Agencies out of whose activities the claims arose.	Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office ¹ .	Comptroller General of the United States. ²
Other than loss or damage to property.	Agencies delegated authority to perform audit as GSA's designee. (See note.). Agencies not delegated authority to perform audit as GSA's designee.	Head of agency delegated authority. General Services Administration (BWA) ³ .	Do. Administrator of General Services ⁴ or Comptroller General of the United States. ²

NOTE: Authority to audit transportation bills was delegated effective Oct. 12, 1975, to the Department of State for bills paid at overseas offices and to the Department of Defense for bills paid at certain overseas offices and for bills paid by the Military Airlift Command for contract airlift services. Mailing addresses for those specifically named above as responsible for the reconsideration or review of transportation claims upon request of claimants are: